

Message Text

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ORIGIN OES-07

INFO OCT-01 EUR-12 EA-10 ISO-00 COME-00 L-03 DLOS-09
CG-00 DOTE-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CIAE-00 DODE-00 EB-08 EPA-01 SOE-02 DOE-11
FMC-01 TRSE-00 H-01 INR-10 INT-05 IO-13 JUSE-00
NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-05 SP-02
SS-15 USIA-06 /149 R

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L/OES - MEHOINKES

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P 101610Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO PRIORITY
AMEMBASSY OTTAWA PRIORITY
INFO CCGD SEVENTEEN JUNEAU AK

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TOKYO FOR REGFISHATT

E.O. 11652: N/A

TAGS: EFIS, CA, JA

SUBJECT: U.S. PROPOSED ENFORCEMENT ARTICLE FOR REVISED
INPFC TREATY AND ARRANGEMENTS FOR FOURTH RENEGOTIATION
SESSION
COAST GUARD PASS TO NMFS ALASKA REGION: RONALD NAAB
1. AT THE THIRD RENEGOTIATION SESSION FOR THE INTERNA-
TIONAL NORTH PACIFIC FISHERIES CONVENTION (INPFC) FEB
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7-9, 1978 IN VANCOUVER, B.C. USG PROMISED TO PROVIDE
GOJ AND GOC WITH NEW PROPOSAL FOR INPFC ENFORCEMENT
ARTICLE. ACCORDINGLY, EMBASSIES ARE REQUESTED TO PRE-
SENT THE FOLLOWING DRAFT TO APPROPRIATE GOJ AND GOC
FISHERIES OFFICIALS, EXPRESSING HOPE THAT RESPECTIVE
DELEGATIONS WILL GIVE PROPOSAL CAREFUL STUDY PRIOR TO
MARCHSE1-23 MEETING IN WASHINGTON, D.C. DEPT WILL ALSO

BELEASTETEXT TTIGOC YXD GO) EMFAAOIES CTING-PARTIES
BEGIN TEXT: ARTICLE IX (1) THE CONTRACTING PARTIES
AGREE THAT WITHIN THE CONVENTION AREA: (A) EACH CON-
TRACTING PARTY SHALL ENFORCE THE PROVISIONS OF THIS
CONVENTION WITHIN ITS 200-NAUTICAL MILE FISHERY ZONE
AND TAKE FURTHER ACTION IN ACCORDANCE WITH ITS DOMESTIC
LAW; (B) BEYOND THE 200-NAUTICAL MILE FISHERY ZONE OF
ANY CONTRACTING PARTY, ANY CONTRACTING PARTY MAY ENFORCE
THE PROVISIONS OF THIS CONVENTION IN ACCORDANCE WITH
THE FOLLOWING: (I) THE DULY AUTHORIZED OFFICIALS OF
ANY CONTRACTING PARTY MAY BOARD FISHING VESSELS OF THE
OTHER CONTRACTING PARTIES TO INSPECT ITS EQUIPMENT, LOGS,
DOCUMENTS, AND OTHER ARTICLES AND QUESTION THE PERSONS
ON BOARD FOR THE PURPOSES OF CARRYING OUT THE PROVISIONS
OF THIS CONVENTION. SUCH OFFICIALS SHALL PRESENT CREDEN-
TIALS ISSUED BY THEIR RESPECTIVE GOVERNMENTS IF REQUESTED
BY THE MASTER OF THE VESSEL: (II) WHEN ANY SUCH PERSON OR
FISHING VESSEL ACTUALLY ENGAGED IN OPERATIONS IN VIOLATION
OF THE PROVISIONS OF THIS CONVENTION, OR THERE IS REASON-
ABLE CAUSE TO BELIEVE WAS SO ENGAGED PRIOR TO BOARDING OF
SUCH VESSEL BY ANY SUCH OFFICIAL, THE LATTER MAY ARREST
OR SEIZE SUCH PERSON OR VESSEL. SUCH VESSEL MAY BE
REQUIRED TO PROCEED TO A PORT WITHIN THE TERRITORY OF THE
CONTRACTING PARTY TAKING THE ENFORCEMENT ACTION IN ORDER
TO DETERMINE THE EXTENT OF THE VIOLATION. THE CONTRACT-
ING PARTY TO WHICH THE OFFICIAL BELONGS SHALL NOTIFY THE
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CONTRACTING PARTY TO WHICH SUCH PERSON OR VESSEL BELONGS
OF SUCH ARREST OR SEIZURE, AND FOLLOWING COMPLETION OF
ANY INVESTIGATION TO DETERMINE THE EXTENT OF THE VIOLA-
TION, SHALL DELIVER SUCH VESSEL OR PERSON AS PROMPTLY AS
PRACTICABLE TO THE AUTHORIZED OFFICIALS OF THE CONTRACT-
ING PARTY TO WHICH SUCH VESSEL OR PERSON BELONGS AT A
PLACE TO BE AGREED UPON BY BOTH PARTIES. PROVIDED, HOW-
EVER, THAT WHEN THE CONTRACTING PARTY WHICH RECEIVES
SUCH NOTIFICATIONS CANNOT IMMEDIATELY ACCEPT DELIVERY,
THE CONTRACTING PARTY WHICH GIVES SUCH NOTIFICATION MAY
KEEP SUCH PERSON OR VESSEL UNDER DETENTION WITHIN THE
WATERS OF THE CONVENTION AREA OR WITHIN ITS OWN TERRI-
TORY, UNDER THE CONDITIONS AGREED UPON BY BOTH OF THE
CONTRACTING PARTIES. (III) ONLY THE AUTHORITIES OF THE
CONTRACTING PARTY TO WHICH THE ABOVE MENTIONED PERSON
OR FISHING VESSEL BELONGS MAY TRY THE OFFENSE AND
IMPOSE PENALTIES THEREFORE. THE WITNESSES AND EVIDENCE
NECESSARY FOR ESTABLISHING THE OFFENSE, SO FAR AS THEY
ARE UNDER THE CONTROL OF ANY OF THE CONTRACTING PARTIES
TO THIS CONVENTION, SHALL BE FURNISHED AS PROMPTLY AS
POSSIBLE TO THE CONTRACTING PARTY HAVING JURISDICTION
TO TRY THE OFFENSE. IN THE COURSE OF ITS APPLICABLE

ADMINISTRATIVE AND JUDICIAL PROCESSES, THE CONTRACTING PARTY HAVING JURISDICTION TO TRY THE OFFENSE SHALL CONSIDER ALL AVAILABLE EVIDENCE, INCLUDING WITNESS STATEMENTS PERTAINING TO THE OFFENSE. (C) THE NATIONALS AND FISHING VESSELS OF THE CONTRACTING PARTIES SHALL IMMEDIATELY COMPLY WITH INSTRUCTIONS ISSUED BY THE AUTHORIZED OFFICIALS OF ANY CONTRACTING PARTY TO FACILITATE, INTER ALIA, BOARDING AND INSPECTION FOR PURPOSES OF ENFORCING THIS CONVENTION. (2) EACH CONTRACTING PARTY AGREES, FOR THE PURPOSE OF RENDERING EFFECTIVE THE PROVISIONS OF THIS CONVENTION, TO ENACT AND ENFORCE NECESSARY

IMPLEMENTING LAWS AND REGULATIONS, WITH APPROPRIATE PENALTIES AGAINST VIOLATIONS THEREOF, AND TO TRANSMIT LIMITED OFFICIAL USE

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TO THE COMMISSION A REPORT ON ANY ACTION TAKEN BY IT IN THIS REGARD. END TEXT.

2. AFTER CONSULTATION WITH COMMERCE, DEPARTMENT FEELS IT NECESSARY TO CONVENE US/JAPAN SCIENTIFIC MEETING, MONDAY A.M., MARCH 20, TO BEGIN DISCUSSIONS ON PROVISIONS FOR JOINT RESEARCH AND DATA REPORTING REQUIREMENTS RELATING TO MARINE MAMMALS, ESPECIALLY DALLS PORPOISE. ACCORDINGLY, EMBASSY TOKYO IS REQUESTED TO PROPOSE THAT MARINE MAMMAL TECHNICAL EXPERTS FROM BOTH SIDES MEET BEGINNNING MONDAY A.M., MARCH 20. IF GOC FEELS IT NECESSARY, USG WOULD WELCOME PRESENCE OF CANADIAN EXPERTS AT SUBJECT MEETING. EMBASSY TOKYO SHOULD EMPHASIZE U.S. VIEW THAT AGREEMENT MUST BE REACHED ON MARINE MAMMAL JOINT RESEARCH AND DATA REPORTING REQUIREMENTS AT MEETING SO AS TO PERMIT IMPLEMENTATION OF AGREED MEASURES FOR 1978 SEASON WITHOUT DELAYING COMPLETION OF AGREEMENT, AND THAT ONE DAY "HEAD START" APPEARS NECESSARY TO ACCOMPLISH THIS IN VIEW OF ABSENCE OF PREVIOUS TECHNICAL DISCUSSIONS ON THESE ISSUES. EMBASSY TOKYO SHOULD ALSO NOTE THAT USG ANTICIPATES DISCUSSION ON MEASURES GOJ WILL BE TAKING TO REDUCE OR ELIMINATE INCIDENTAL CATCH OF MARINE MAMMALS AND EXPECTS U.S. DELEGATION TO INCLUDE 3-4 MARINE MAMMAL TECHNICAL EXPERTS.

3. AGREEMENT WAS ALSO REACHED IN VANCOUVER THAT THERE WOULD BE FURTHER EXCHANGES PRIOR TO WASHINGTON MEETING ON BRACKETED LANGUAGE IN ARTICLE 1(D) OF ANNEX RELATING TO PROHIBITION ON JAPAN SALMON FISHING OPERATIONS EAST OF 175 DEGREES EAST LONGITUDE. ACCORDINGLY, EMBASSY SHOULD QUERY GOJ OFFICIALS AS TO WHETHER U.S. WILL BE RECEIVING FURTHER JAPANESE PROPOSALS ON THIS ISSUE. VANCE LIMITED OFFICIAL USE

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Message Attributes

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Concepts: FISHERIES, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
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Subject: U.S. PROPOSED ENFORCEMENT ARTICLE FOR REVISED INPFC TREATY AND ARRANGEMENTS FOR FOURTH RENEGOTIATION SESSION
TAGS: EFIS, CA, JA, INPFC
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